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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,497	04/19/2007	Naoyuki Kamei	TNK-101-A	9217

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EXAMINER

YABUT, DANIEL D

ART UNIT	PAPER NUMBER
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3656

NOTIFICATION DATE	DELIVERY MODE
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11/14/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/574,497	Applicant(s) KAMEI ET AL.	
	Examiner DANIEL YABUT	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1, 5, 8, 9, 11, 12, 14, 15, 17, 18, 20, 22-25 is/are pending in the application.
- 5a) Of the above claim(s) 8, 9, 11, 12, 14, 15, 17, 18, 20 and 22 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1, 5, 23-25 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/2011 has been entered.

Claim Objections

Claim 1 is objected to because of the following informalities: The recitation "said void portion" in lines 15-16 of claim 1 appears that it should be - - said void portions - -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "[T]he void portions formed on one of the bulging faces are arranged such that said void portion **are not visible** from the other of the bulging faces" (emphasis added) in lines 15-16 is an attempt to claim the invention by describing what it looks like rather than distinctly and particularly pointing out the actual invention. For example, the structure keeping said void portions from being visible from the other of the bulging faces is not specified.

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Furthermore, the recitation “[S]aid void portion not visible from the other of the bulging faces” does not sufficiently delineate a definitive vantage point. As such, the aforementioned limitation is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai (JP 2003206991 A) in view of Baba (JP 01126413 A).

Murai discloses a torque rod (Fig. 1) comprising a(n):

Re claim 1

- Rod portion (40) with a built-in pair of rubber bushes (12, 14), which are formed respectively around a pair of cylinders (16, 22)
- Rod portion linking both the rubber bushes (Fig. 2A)
- Cross-sectional shape of the central portion of the rod portion forms an approximately rectangular shape (¶ [0033] ll. 1-3 in English translation)
- One pair of opposing faces of the rectangular shape (38, edges of elements 40 opposite 38; Fig. 2B) are arranged to form a substantially symmetrical shape (see symmetry in Fig. 4C) which bulges outwards (at 40; Fig. 4A) in a non-parallel configuration defining bulging faces, such that the central cross section of the rod

portion is thicker than the ends thereof (see portion 40 thicker than ends 30 and 28 in Fig. 4A)

- Another pair of opposing faces of the rectangular shape are arranged substantially parallel to each other (40; Fig. 2B)

Although Murai discloses a void portion formed on one of the bulging faces (at numeral 38 in Fig. 3B), Murai does not expressly disclose the rod portion having a plurality of void portions formed on one of the bulging faces, the void portions defining elongated holes which extend substantially parallel to said another pair of opposing faces of the rectangular shape, the void portions formed on one of the bulging faces are arranged such that said void portion are not visible from the other of the bulging faces.

Baba teaches the use of a rod portion (18) having a plurality of void portions (see void portions delineated by elements 20, 24, 22, 26; Fig. 1) formed on one of the faces, the void portions defining elongated holes which extend substantially parallel to another pair of opposing faces (20, 22) of rectangular shape (Fig. 3), the void portions formed on one of the bulging faces are arranged such that said void portion are not visible from the other of the bulging faces (see 18 in Fig. 3) for the purpose of improving the strength of the torque rod (see purpose statement in English abstract).

It would have been obvious to one having ordinary skill in the art at the time of the invention to alternatively provide the rod portion of Murai having a plurality of void portions formed on one of the bulging faces, the void portions defining elongated holes which extend substantially parallel to said another pair of opposing faces of the rectangular shape, the void portions formed on one of the bulging faces are arranged such that said void portion are not

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visible from the other of the bulging faces, as taught by Baba, for the purpose of improving the strength of the torque rod.

Murai as modified above further discloses the following:

Re claim 5

- Rod portion between the rubber bushes is shaped with said plurality of void portions, each having an elongated shape parallel to each other and also parallel to said another pair of opposing faces of the rectangular shape (see in at least Fig. 3 of Baba)

Re claim 23

- Pair of cylinders comprises a first cylinder (16), and a second cylinder (22) having an axis thereof disposed at 90 degrees to an axis of the first cylinder (Fig. 2A)
- Pair of rubber bushes comprises a first rubber bush (12) covering the first cylinder, and a second rubber bush (14) covering the second cylinder
- Pair of stoppers (36) are arranged between the second rubber bush and a portion of the rod portion encompassing the second cylinder so as to form hollow portions on the inner and outer sides of the second cylinder (Fig. 2B), such that during operation, said second cylinder is selectively movable by impacting with said stoppers

Re claim 24

- Torque rod (11), the torque rod structure comprising a rod portion (40) with built-in pair of rubber bushes (12, 14), which are formed around a pair of cylinders (16, 22), the rod portion linking both the rubber bushes

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- Cross-sectional shape of the central portion of the rod portion forms an approximately rectangular shape (¶ [0033] ll. 1-3), and one pair of opposing faces of the rectangular shape form a shape which bulges outwards (bulge characterized by 30 and 40 in Fig. 2B), such that the central cross-section of the rod portion is thicker than the ends thereof and the other pair of the opposing faces of the rectangular shape are formed parallel (Fig. 2A)
- Shape of the cross-section in the vicinity of the central portion along longitudinal direction of the rod portion has a series of alternate cross-sections which have a notched portion (near 20, 22 Fig. 1; Baba) and cross-sections which do not have said notched portion (20, 24, 22; Baba) wherein cross-shaped ribs are formed on the rod portion
- Notched portions are formed as two rows of holes on the parallel formed faces of the rectangular shape (see two rows in Fig. 1; Baba)

Re claim 25

- Each of said holes has an elongated shape parallel to each other (see in Fig. 3; Baba)

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 23, 24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the Baba reference does not teach void portions formed in the rod portion for the torque rod but rather ribs formed on the rod portion for reinforcing/stiffening the rod. In response, the Baba reference indeed teaches void portions that are delineated by the

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aforementioned ribs 20, 24, 22, 26 as seen in at least Figures 1 and 3. Applicant alleges a structurally distinction between providing ribs for stiffening purposes and providing void portions to make the rod lighter, however, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability. The foregoing notwithstanding, Baba indeed provides sufficient structure as to read upon the respective claim limitation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/

Examiner, Art Unit 3656

11/04/2011

/Justin Krause/

Primary Examiner, Art Unit 3656